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July 7, 2016

VIA ECF

The Honorable Jesse M. Furman  
United States District Judge  
United States District Court for the Southern District of New York  
40 Foley Square  
New York, NY 10007

Re: United States ex rel. Wood v. Allergan, Inc. and Allergan plc, No. 10-cv-5645 (JMF)  
- Joint Letter-Motion for Extension of Time and Leave to File Excess Pages

Dear Judge Furman:

I represent the Defendants, Allergan, Inc. and Allergan plc, in the above-referenced action brought by Relator John A. Wood (“Relator”) under the *qui tam* provisions of the False Claims Act, 31 U.S.C. § 3729 *et seq.*, and similar state statutes. In accordance with Your Honor’s Individual Rules and Practices in Civil Cases (¶¶ 1.A, 1.E, and 3.A) (“Rules and Practices”), the parties respectfully submit this joint request for extensions of time to file Defendants’ motion to dismiss, Relator’s opposition, and Defendants’ reply.

Relator’s request for waiver of service of the summons in this matter was sent on May 18, 2016; consequently, the filing deadline for Defendants’ motion to dismiss is currently July 18, 2016. *See* Fed. R. Civ. P. 4(d)(3). Under this District’s local rules, the filing deadlines for Relator’s opposition and Defendants’ reply are August 1, 2016 and August 8, 2016, respectively. *See* S.D.N.Y. R. 6.1(b). No previous requests have been made for extension of time for these pleadings.

In connection with the above-referenced briefing, the parties respectfully request leave to file pages in excess of the limitations set by ¶ 3.D of Your Honor’s Rules and Practices. Pursuant to that rule, Defendants’ memorandum in support of their motion to dismiss, and Relator’s memorandum in opposition, are currently limited to 25 pages; Defendants’ reply memorandum is limited to 10 pages. No previous requests have been made for extensions of these page limitations.

In support of their requests, the parties state that the nature and complexity of this action necessitate time and pages in excess of the existing limitations. Among other complexities, Defendants believe that the recent U.S. Supreme Court decision in *Universal*

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*Health Services, Inc. v. United States ex rel. Escobar*, 136 S. Ct. 1989 (June 16, 2016), may impact the Relator's claims and the Defendants' defenses. Further, the parties and counsel for the United States are engaged in ongoing discussions regarding Allergan, Inc.'s intent to move this Court to unseal the original Complaint and the First Amended Complaint ("FAC"). Allergan, Inc. intends to seek an unsealing order so that Defendants can review Relator's initial allegations and assess potential defenses to this suit under the public disclosure bars of the False Claims Act and analogous state statutes, as well as under the applicable statutes of limitation.

Accordingly, the parties respectfully request that the Court impose the following filing deadlines and page limitations:

- 1) Within 21 days after the Court's adjudication of Allergan, Inc.'s motion to unseal the original Complaint and the First Amended Complaint, Defendants may file a Motion to Dismiss, with a Memorandum of Law not to exceed 30 pages;
- 2) Relator shall have 45 days thereafter to file his Response, not to exceed 30 pages; and
- 3) Defendants shall have 18 days thereafter to file a Reply, not to exceed 15 pages.

As noted above, these are requests to which Defendants and Relator have jointly agreed. The parties are next scheduled to appear before the Court on July 21, 2016 at 4:15 pm, for the initial pretrial conference in this matter.

The parties thank the Court for its consideration.

Respectfully submitted,

/s/ Stephen C. Payne

Stephen C. Payne

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SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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THE HONORABLE JESSE M. FURMAN  
UNITED STATES DISTRICT JUDGE

**CERTIFICATE OF SERVICE**

I hereby certify that on July 7, 2016, true and correct copies of the foregoing pleading have been served on the following in the manner listed below.

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